IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 5TH JULY 2006 / 14TH ASHADHA,1928

Bail Appl..No. 4026 of 2006()

CC.734/2004 of J.M.F.C.,PARAPPANANGADI
CC.1197/2001 of J.M.F.C.,PARAPPANANGADI

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PETITIONER/4TH ACCUSED

KUNHIMARAKKAR, S/O.THANNERKAD PARAMBIL
UMMAR, TIRUR TALUK, PARIYAPURAM AMSOM,
PANANGOTTUR DESOM.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS: STATE

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1. THE SUB INSPECTOR OF POLICE,
TANUR, MALAPPURAM DISTRICT.

2. THE STATE OF KERALA, REPRESENTED
BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 4026 of 2006

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Dated this the 5th day of July, 2006

O R D E R

The petitioner is the fourth accused in Crime No.507/2001 of Tanur Police Station. C.C.No.1197/2001 on the file of Judicial First Class Magistrate Court-I, Parappanangadi, which is now pending as C.C.No.734/2004 of the same court. The offence alleged against him and others are under Sections 498A and 406 of the Indian Penal Code read with Section 34 of the I.P.C. Because of the apprehension that he may be remanded, if he appears before the court below, this application is filed.

2. When the matter came up for consideration, the counsel submitted that the complaint was lodged by the wife of the first accused and the matter has been settled between them. The petitioner is the brother of the first accused, the husband of the de facto complainant. Though the matter had already been settled, and the other accused were acquitted, the case against the petitioner is pending because of the same was split up. The

counsel, therefore, prays that a direction may be given to the court below, to allow him to be on bail, if he appears before the court below.

3. In the circumstances of this case, I direct the petitioner to appear before the J.F.C.M, Parappanangadi on 12/07/2006 at 11 a.m. The learned Magistrate shall allow the petitioner to be on bail, during the trial, on imposing such conditions which he deems fit.

(J.M.JAMES)
Judge

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